THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22508 of 2007

Dated: 25.10.2007

Between:

Thota Surya Kumari
& another.

... Petitioners

AND

The Government of A.P., rep., by its
Secretary, Revenue (L.A.), Secretariat,
Hyderabad and others.

... Respondents

Counsel for the petitioners : Sri S. Subba Reddy

Counsel for the respondents : Assistant Government Pleader for
Land Acquisition

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WRIT PETITION No. 22508 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare notification dated 27.04.2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') by respondent No.2, as illegal and arbitrary.

Heard Sri S. Subba Reddy, learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition for the respondents.

Learned counsel for the petitioner reiterated the averments contained in the affidavit and submitted that though the petitioners handedover their objections in response to Form-III Notice on 15.05.2007 to respondent No.3, so far those objections have not been considered and disposed of. He further stated that on 12.10.2007 the staff of respondent No.4 visited the lands of the petitioners and directed them to vacate the same.

Since the respondents have already initiated proceedings under the Act for acquisition, it is needless to emphasize that they cannot act arbitrarily without following the due process of law. If the petitioners have already filed their objections, it is incumbent upon the competent authority to dispose of the same before proceeding further and they cannot dispossess the petitioners without making a declaration under Section 6 of the Act and

complying with other statutory requirements, if any, for taking possession.

With the above observation, the writ petition is disposed of with the direction that the petitioners shall not be dispossessed from their respective lands till the statutory requirements are complied with.

As a sequel to disposal of the writ petition, WPMP.No.29236 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

Date: 25.10.2007
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